

Notice of Allowability

Application No.

10/698,447

Applicant(s)

WADE, RODNEY GEORGE

Examiner

Christopher Upton

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to application filed 11/3/2003.
2. ☒ The allowed claim(s) is/are 1-12.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



Christopher Upton
Primary Examiner
Art Unit: 1724

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An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

In claim 1, line 2, after "compartment", -- constructed and arranged - has been inserted.

In claim 1, line 3, after "includes", -- a pair of opposing sidewalls supporting - has been inserted.

In claim 1, lines 3-4, "is designed to rotate" has been changed to - rotates -.

In claim 1, line 6, "is" has been changed to -are --; and "device" has been changed to - compartment --.

In claim 2, line 2, "may flow onto the drum," has been changed to -flows onto the drum, and -

In claim 4, lines 2-3, "one drum rotates, extends" has been changed to -- the drum rotates and extends --.

In claim 7, line 1, "and" has been changed to -or --.

In claims 9, 10, 11 and 12, "shute" has been changed to - chute --.

Authorization for this examiner's amendment was given in a telephone interview with Mr. John Moses on April 28, 2005.



CHRISTOPHER UPTON
PRIMARY EXAMINER

The following is an examiner's statement of reasons for allowance: The recitation of a device for separating debris from rainwater as it flows into a downpipe from a roof gutter comprising a compartment fitted to the upper end of the downpipe having a pair of sidewalls supporting a perforated rotary drum such that rainwater passes through the perforations and the debris are ejected by the rotation of the drum patentably distinguishes over the prior art of record. Most prior art gutter filters as exemplified by Naddy, Carey, Esmond, Wade, Bolt, Mazziotti, Jones, Tiderington, Bessette, German patent 44 23 251 and Canadian patent 2,206,414 are fixed. McKenny discloses a dumping gutter, while Gleaves and Ruttenberg disclose conveyors for a gutter. Japanese patent 8-100499 discloses a rotating drum in a gutter, but the drum is not a filter, rather, it is solid and serves to protect the gutter from hard rains and snow. Rotating filters are known, as exemplified by Schwinger, Damman and Lynch, but there is no teaching of using such a filter on the downpipe of a roof gutter.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."



CHRISTOPHER UPTON
PRIMARY EXAMINER